

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION No 2719 of 1998

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

-
1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the Judgment ?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

GHANUBHA B JADEJA
VERSUS
STATE OF GUJARAT

Appearance:

MR DH WAGHELA for the Petitioner
MR VB GHARANIA for Respondent No.1
MR DG CHAUHAN for Respondents No. 2 and 3

CORAM : MR JUSTICE S.K. KESHOTE
Date of Decision : 15/08/1999

C.A.V. JUDGMENT

1. Rule. Shri V.B. Gharania and Shri D.G.

Chauhan counsel for the respondents waives service of rule on behalf of the respondents. Heard the learned counsel for the parties.

2. The petitioner, a work-charged Mazdoor working with the respondent in this special civil application prayed for quashing and setting aside the actions and omissions of the respondents in denying the wages of Driver to the petitioner since December, 1992 as being illegal, unjust, arbitrary and in violation of the rule of equal pay for equal work as enshrined in Articles 14 and 16 by appropriate writ order or direction.

3. Earlier the petitioner filed special civil application No.5768/94 which came to be dismissed by this court on 1-4-1995. Copy of this judgment of the Court is on the record of this special civil application as Annexure 'E', page No.13. From this judgment I find that the petitioner was appointed as Helper on 12-1-1982 by the respondent but from him the work of driver was taken by the respondents and in the month of December, 1992, as per the petitioner's case earlier, he was reverted from the post of Driver to that of Helper. The petitioner earlier has challenged the alleged order of reversion from the post of Driver in the month of 1992 and that claim failed. I find sufficient merits in the contention of the learned counsel for the respondents that for the same relief and cause, this writ petition has been filed by the petitioner. Once, this court has earlier not accepted the claim of the petitioner, this writ petition is not maintainable. Secondly, when the petitioner's own case is that in December, 1992, he was reverted from the post of Driver to that of Helper how far there is any justification in his claim to claim the wages of Driver from December, 1992.

4. This writ petition is wholly misconceived and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

zgs/-